



**DEVELOPMENT  
SERVICES  
DEPARTMENT**

# The City of Morgantown

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February 18, 2016

AutoZone Parts, Inc.  
c/o Brianna Bus of Jones Sign  
1711 Scheuring Road  
De Pere, Wisconsin 54115

**RE: V16-07 / AutoZone Parts, Inc. / 824 Monongahela Blvd.  
Tax Map 15, Parcel 157**

Dear Ms. Bus,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1369 as it relates to signage at 824 Monongahela Blvd.

The decision is as follows:

**Board of Zoning Appeals, February 17, 2016:**

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board granted a 104.48 square foot variance from the maximum wall sign area standard with the following condition:
  - a. That all signs may not be illuminated during the time when the establishment is closed to the public.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner.

The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that it has been activated as evidenced by permits, construction, or required licenses. This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that sign and building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar  
Executive Secretary

## **ADDENDUM A – Approved Findings of Fact**

**V16-07 / AutoZone Parts, Inc. / 824 Monongahela Blvd.**

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**Finding of Fact No. 1** – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

The proposed sign package in this variance request will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, but rather it will enhance AutoZone's corporate identity to consumers. It is also a way for AutoZone to stay competitive with businesses offering the same services. AutoZone is going into a location which is located along a highly traveled road so the proposed signs for the location would not be a detriment to the surrounding property owners or residents, but rather well-suited because of the route and the surrounding businesses in the area. The wall signage will be aesthetically pleasing and will have consistent letter height on the building elevations. The post and panel sign will not be overbearing and will complement the size of the building and the lot. The signs will comply with the requirements of the West Virginia State Building Code and Electrical Code.

**Finding of Fact No. 2** – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The need for the requested variances arises from the size, location, and zoning of the property. In order for AutoZone to be able to be competitive at this location, sufficient signs on two (2) elevations of the building are necessary to draw attention to the site. The literal enforcement of the sign regulations will create a hardship for AutoZone with a lack of recognition by passing customers, hence loss in anticipated sales. In regard to the existing post and panel sign, the property is zoned B-2, and according to the Planning & Zoning Code, Table 1369.06.01, post and panel signs are permitted in the B-2 district. We are requesting a variance to keep the existing Exxon Mobil post and panel sign because there is a lack of visibility if customers are coming from the west. View of the majority of AutoZone's site is blocked by Advanced Auto Parts' building. The property is also located directly to the west of an area zoned B-2 with an overlay district, where multiple businesses have post and panel or pole signs taller than the standard 6 foot height allowance. These businesses include Double Dutch Confections, Mountaineer Manor Barbering & Styling, and Clutch Wing Shop, among others. AutoZone's sign will be in line with what some nearby businesses have. When Exxon closed, the post and panel sign was not removed. While U-Haul was conducting business at this property, the sign remained in place. The setback and under clearance is adequate to protect the clear sight for drivers.

**Finding of Fact No. 3** – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

Granting of the variance for the proposed sign package will allow AutoZone to keep the existing Exxon Mobil post and panel sign, which will be visible above Advanced Auto Parts building located to the west of AutoZone's property. Allowance of that sign will ensure visibility for customers coming from the west of the property, and the requested wall signs will help customers recognize the new AutoZone store and there will be no loss of anticipated sales. The retail auto parts store is allowed in the B-2 zoning district and will contribute to a growing economy in Morgantown.

**Finding of Fact No. 4** – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

## **ADDENDUM A – Approved Findings of Fact**

**V16-07 / AutoZone Parts, Inc. / 824 Monongahela Blvd.**

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The purposes of the City's commercial sign regulations are, in summary: to encourage the effective use of signs as a means of communication; to maintain and enhance the pleasing look of the City, which attracts continued economic investment to the City; to preserve Morgantown as a community that is attractive to business, to residents and to visitors; and to minimize the possible adverse effects of signs on nearby public and private property. The sign variances will allow the intent of the zoning ordinance to be observed and substantial justice done because AutoZone's store will be visible and the signage will be effective, aesthetically pleasing, in good taste, and will attract more customers to this specific area in the City.